

RESOLUTION NO.

A RESOLUTION OF INTENT TO ANNEX CERTAIN PROPERTIES IN WELD COUNTY, COLORADO TO THE TOWN OF FREDERICK, SAID ANNEXATION TO BE KNOWN AS "THE NEW SAINT DIMITRIE CHURCH."

WHEREAS, a petition for annexation of certain properties has been filed with the Board of Trustees of the Town of Frederick by Nicolae Toderica; and

WHEREAS, the Board of Trustees has reviewed the petition; and

WHEREAS, the Board of Trustees wishes to permit simultaneous consideration of the subject property for annexation and zoning, as requested in the petition; and

WHEREAS, the Board of Trustees has reviewed the petition and desires to adopt by Resolution its findings in regard to the petition;

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Section 1. The petition, whose legal descriptions are attached hereto as Exhibit A and incorporated by reference herein, is in substantial compliance with the applicable laws of the State of Colorado and Town of Frederick Land Use Code.

Section 2. No election is required under C.R.S. §31-12-107(2).

Section 3. No additional terms and conditions are to be imposed except those provided for in the petition.

Section 4. The Board of Trustees will hold a public hearing for the purpose of determining if the proposed annexation complies with C.R.S. §31-12-104, and with C.R.S. §31-12-105, and will hold a public hearing to determine the appropriate zoning of the subject property as requested in the petition, at the Frederick Town Hall, 401 Locust, Frederick, Colorado 80516, at the following time and date:

7:00 PM SEPTEMBER 8, 2009

Section 5. Any person may appear at such hearing and present evidence relative to the proposed annexation or the proposed zoning.

Section 6. Upon completion of the hearing, the Board of Trustees shall set forth, by resolution, its findings and conclusions with reference to the eligibility of the proposed annexation, and whether the statutory requirements for the proposed annexation have been met, and further, will determine the appropriate zoning of the subject property if requested in the petition.

Section 7. If the Board of Trustees concludes, by resolution, that all statutory requirements have been met and that the proposed annexation is proper under the laws of the State of Colorado, the Board of Trustees shall pass one or more ordinances annexing the subject property to the Town of Frederick, and shall pass one or more ordinances zoning the subject property if requested in the petition.

INTRODUCED, READ, PASSED, AND SIGNED THIS 28th DAY OF JULY, 2009.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornoff, Town Clerk

By _____
Eric D. Doering, Mayor

EXHIBIT A

Legal Description of Real Property Proposed for Annexation to the Town of Frederick Lot 1 Puritan Subdivision

A parcel of land to be annexed into the Town of Frederick, located in the Southwest Quarter (SW1/4) of Section Thirty-four (34), Township Two North (T.2N.), Range Sixty-Eight West (R.68W.) of the 6th P.M., County of Weld, State of Colorado, being more particularly described as follows:

COMMENCING at the South Quarter Corner of said Section 34 and assuming the South line of the SW1/4 of said Section 34 as bearing South 89°36'20" West, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2655.22 feet with all bearings contained herein relative thereto;

THENCE North 00°10'41" West along the East line of the SW1/4 of said Section 34 a distance of 30.00 feet to a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34;

THENCE South 89°36'20" West along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34, said line being coincidental to the North line of the Highway 52 Annexation, recorded February 1, 2007 as Reception No. 3452475 of the Records of Weld County, a distance of 907.19 feet to the POINT OF BEGINNING, said point being at an intersection of said Highway 52 Annexation and a boundary line of the Wyndham Hill Annexation No. 1, recorded June 7, 2004 as Reception No. 3187002 of the Records of Weld County;

THENCE South 89°36'20" West continuing along a line parallel with and 30.00 feet Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34 a distance of 536.00 feet to the Westerly Right of Way line of Puritan Lane;

THENCE North 00°23'40" West along the Westerly Right of Way line of said Puritan Lane a distance of 404.65 feet to a line 434.65' Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34, said line being coincidental with the North line of Lot 1 of the Puritan Subdivision, recorded July 1, 1947 as Reception No. 1009475 of the Records of Weld County;

THENCE North 89°36'20" East along a line 434.65' Northerly of, as measured at a right angle to the South line of the SW1/4 of said Section 34 a distance of 536.00 feet to an intersection with the boundary line of said Wyndham Hill Annexation No. 1;

THENCE South 00°23'40" East along the boundary line of said Wyndham Hill Annexation No. 1 a distance of 404.65 feet to the North line of said Highway 52 Annexation and to the POINT OF BEGINNING.

Said described parcel of land contains a total of 216,893 sq. ft or 4.979 acres, more or less and is subject to any existing easements and rights of way of record or as now existing on said described parcel of land.